

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STIG STRONG,

| Case No. 2:17-cv-02152-JCM-VCF

Petitioner,

## ORDER

v.

**UNITED STATES OF AMERICA,**

## Respondent.

Petitioner Stig Strong has submitted a *pro se* habeas corpus petition (ECF No. 1-1). He has also submitted a handwritten document that he styles an application to proceed *in forma pauperis* that is really an explanation as to why he did not file a proper application (ECF No. 1).

18 The claims that petitioner sets forth are not cognizable in habeas corpus but  
19 rather are allegations of violations of his civil rights pursuant to 42 U.S.C. § 1983,  
20 namely allegations of violations of his Eighth Amendment right to be free from deliberate  
21 indifference to serious risks to his safety in Nevada Department of Corrections custody  
22 (ECF No. 1-1). *Nettles v. Grounds*, 788 F.3d 992, 1001 (9<sup>th</sup> Cir. 2015) (“[R]elief is  
23 available to a prisoner under the federal habeas statute only if success on the claim  
24 would ‘necessarily spell speedier release’ from custody.”); *Estelle v. Gamble*, 429 U.S.  
25 97, 105 (1976) (“Regardless of how evidenced, deliberate indifference to a prisoner’s  
26 serious illness or injury states a cause of action under § 1983.”).

27 Accordingly, this case will be dismissed without prejudice to the filing of a § 1983  
28 complaint.

1           **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

2           **IT IS FURTHER ORDERED** that petitioner's incomplete application to proceed *in*  
3           *forma pauperis* (ECF No. 1) is **DENIED** as moot.

4           **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel  
5           (ECF No. 2) is **DENIED** as moot.

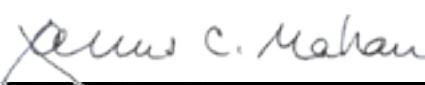
6           **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as  
7           jurists of reason would not find the court's dismissal of this improperly commenced  
8           action without prejudice to be debatable or incorrect.

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10          **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each  
11         of an application form to proceed *in forma pauperis* for incarcerated persons and a civil  
12         rights complaint pursuant to 42 U.S.C. § 1983 form, one copy of the instructions for  
13         each form, and a copy of the papers that he submitted in this action.

14  
15          **IT IS FURTHER ORDERED** that petitioner's application to proceed *in forma*  
16         *pauperis* (ECF No. 1) is **DENIED**.

17          **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly  
18         and close this case.

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20          DATED: September 6, 2017.

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24          JAMES C. MAHAN  
25          UNITED STATES DISTRICT JUDGE